

PROVIDENCE CITY COUNCIL MEETING MINUTES

August 25, 2015 6:00 p.m.

15 South Main, Providence UT

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Attendance: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell
Pledge of Allegiance: Mayor Calderwood

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of August 11, 2015 City Council meeting.

Motion to approve the minutes with the following changes: J Russell, second – J Drew

Page 1, Line 30 – in dispute not litigation.

Page 4, Line 5 - one year with option to renew after evaluation.

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- Rick Meyer has an interest in bringing a multi-family housing project into Providence. He is before the Council to see if they have an interest in this type of development. It will be located at 600 East and Spring Creek Parkway.
- Mayor asked if this had been to ESR. S Bankhead said no because this will require a rezone and they didn't want to invest time and resources if the Council was not at all willing to entertain the idea.
- R Call asked if this was on both sides of Spring Creek Parkway.
- S Bankhead said it is all south of the actual creek, but is on both the north and south sides of Spring Creek Parkway.
- B Bagley asked if any of this was located in Logan.
- R Meyers said there will be a single family portion that will be located in River Heights.
- J Baldwin asked how many total units were planned to go in.
- R Call asked how many units per building.
- R Meyer said 4 units per building; everyone will have a ground entrance to their two-story unit, 2 car garage, 3 bedroom/2 bath, approximately 1,800 sf/unit. There will be 18 buildings for a total of 72 units.
- R Eck said the proposed road already has the sewer line in. There should not be much wetlands to deal with.
- B Bagley asked if the developer would be putting in the road per city specs. R Meyer said they will.
- The Council felt they would like more information, but were not opposed to considering the idea.
- J Baldwin felt it fits with what Planning Commission is trying to accomplish with multi-family use.
- B Bagley asked how many land owners were involved. R Meyer said only one.

Business Items:

Item No. 1. Primary Election Canvass. The Providence City Council, acting as the Board of Canvassers, will canvass the returns for the 2015 Primary Election.

Motion to review and accept the Primary Election Canvass: J Baldwin, second – B Bagley

- S Bankhead reviewed the report that was before the Council. First block are votes that were received before 8 pm August 11, 2015. Second block are mailed ballots that were received after 8 pm August 11, 2015, but were postmarked before August 11, 2015. Second count includes 2 provisional ballots and 3 ballots that needed signature verification. The third block is total votes for each candidate by precinct

1 with total at the end. Fourth block is strictly number of ballots received. According to these counts,
2 Michael Harbin will be the candidate that is eliminated.

- 3 • B Bagley asked if there were negative comments regarding the mail-in ballot.
- 4 • S Bankhead said only two complaints. The biggest concern of voters was that they didn't know much
5 about the candidates. There will be a "meet the candidates" tentatively scheduled for October 6th,
6 location undetermined at this point.
- 7 • R Call said it looks like there are about 1,000 voters. He asked how many registered voters there are.
- * 8 • S Bankhead said there are 3,700 registered voters and we had a 31% turnout which is a good turnout.
9 There was an advantage of being able to resolve voter issues in advance rather than trying to resolve
10 them on election day. She asked the Council, as the Board of Canvassers, to accept the results as official.

11 **Vote:** **Yea:** **B Bagley, J Baldwin, R Call, J Drew, J Russell**
12 **Nay:** **None**
13 **Abstained:** **None**
14 **Excused:** **None**
15

16 **Item No. 2. Resolution 033-2015.** The Providence City Council will consider for adoption a resolution appointing
17 Julie Barker to the Providence City Historic Preservation Commission.

- 18 • Julie Baker was not able to attend and will be on next meeting's agenda.

19
20 **Item No. 3. Resolution 036-2015.** The Providence City Council will consider for adoption a resolution appointing
21 Barry Nielsen as an alternate on the Providence City Planning Commission.

22 **Motion to adopt Resolution 036-2015: J Russell, second – J Baldwin**

- 23 • Barry Nielsen addressed the Council. He loves Providence and would like to see it remain as beautiful as it
24 is. He worked at Hill Air Force Base for 35 years, he is currently retired. He was a landing gear program
25 manager for A-10 and T-38 aircraft, oversaw maintenance crew on those aircraft. He was a civilian
26 employee. Started out as instrument mechanic. He was a part of competition advocacy to help save
27 money for the government.
- 28 • Mayor said Barry lives in the south part of town. The mayor has tried to get people on Planning
29 Commission in a geographically balanced way. He asked Barry if he had time to commit to Planning
30 Commission.
- 31 • B Nielsen said he has time. He was retired until recently. Now he works as a maintenance manager for a
32 property, so some of his time is gone, but he is available.
- 33 • R Call asked how he came to be interested in serving on Planning Commission.
- 34 • B Nielsen said John Russell mentioned it to him and it sparked an interest.
- 35 • B Bagley asked his vision for Providence as far as growth, transportation, economics, etc.
- 36 • B Nielsen said he does not want to see a lot of growth, but enough growth. He feels 200 West traffic is out
37 of control and would like to see a resolution to ease that traffic.
- 38 • J Drew said it is a state highway, so Providence has no control over that street. B Nielsen said an alternate
39 route then would be a possible resolution.
- 40 • B Bagley asked about his ideas on the commercial area and generating tax revenue for Providence.
- 41 • B Nielsen said more revenue for the city is what should be promoted. He would like to see more
42 businesses like Tractor Supply come in.

43 **Vote:** **Yea:** **B Bagley, J Baldwin, R Call, J Drew, J Russell**
44 **Nay:** **None**
45 **Abstained:** **None**
46 **Excused:** **None**

- 47 • Mayor commented that Kirk Allen's time is up at the end of this month. However, Kirk has consented to
48 stay on Planning Commission for another three years, if he is not elected to the City Council. If he is
49 elected, he will stay on Planning Commission until his City Council term begins in January.
50

Item No. 4. Ordinance 2015-019. The Providence City Planning City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 5 Overlay Zones regarding Hazard slope zones, engineering geotechnical report, and disclosures of other natural hazards.

Motion to adopt Ordinance 2015-019: J Baldwin, second – B Bagley

- S Bankhead said back in February a temporary emergency zoning ordinance was passed, that has expired and this ordinance is a permanent ordinance to be put in its place. She asked the Council to adopt the ordinance.
- J Baldwin asked if the issues regarding the soil in question in the Highlands had been resolved.
- S Bankhead said if homes are built in those areas, they will have to comply with this ordinance, but currently, they have not been addressed.
- J Drew asked about compaction standards.
- S Bankhead said building code addresses some compaction standards, the City addresses compaction standards with our roads and the standards and specs book addresses it with reference to the ordinance, so it can be enforced.
- J Drew asked if the Highlands issue is what prompted this ordinance.
- S Bankhead said most recently it is, but there have been violations of this type in the past.
- Mayor said this is an effort to protect potential home owners and the City. He feels this is a win/win for everyone.
- J Drew asked if this was an ordinance that the developer has to take care of, or if it is the home builder's responsibility. He wants to protect the home builder from surprise expenses and also the City from potential lawsuits.
- R Eck said this doesn't completely erase responsibility for those who purchase the lots, but hopefully it will make the purchased lot a safe, buildable lot. This also provides a means for the City to have stable slopes for infrastructure.
- J Drew asked if there is a warranty from the developer once the city assumes ownership of the road.
- R Eck said there is a one year warranty. He feels the roads up there are stable.
- J Baldwin said when a builder builds a home; he will have to provide proof to the building official that the soil meets minimum code standards for compaction and strength.
- R Eck said anything over 30% slope is considered hazardous slope. Anything over that amount has to meet this ordinance to get it to 30% slope and make it a buildable lot.
- J Russell had questions about some of the language in page 8, section C – "Property owners are *encouraged* to implement the following:"
- R Eck said that language is there as a warning, and that was about as strong as the City wanted to go without imposing on property rights.

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Staff Reports: Items presented by Providence City Staff will be presented as information only.

R Eck:

- Reported on roads that were just completed. He has received phone calls from residents who like the new HA-5 on their roads.
- Reported on the boring of Hwy 165. He has a hope of acquiring the casing that came in too low and is unusable for this project.
- 335 West was not a flooding issue with the pond. It was an irrigation ditch.

S Bankhead:

- The Council has the financial statements.
- Moving forward with the car show and the sauerkraut dinner.
- Turned in an application today for quarter cent's sales tax money to extend Gateway Drive about a 1,000 feet from Morris Poole's dental office to 100 South. This is money the county put in place a few years ago. With the criteria, we feel Gateway Drive will qualify. It will be a 93/7% split.

- 200 West is a county road and is on the MPO plan as a strategic road. Once the high school goes in and traffic patterns are studied, it may receive improvements.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- B Bagley – asked if a vendor for the city-wide alert system had been found. S Bankhead said not yet.
- J Drew – the city is not canning sauerkraut this year, just making enough for the dinner and enough to sell during the car show for hot dogs, etc., similar to last year. Sherm Sanders family has volunteered to do that.
- R Call – no report.
- J Russell – no report.
- J Baldwin – no report.

Mayor:

- Last week he attended a meeting with Logan Mayor, a representative from the county council and another Mayor concerning the oversight relative to CVTD. Logan controls the voting board with a total of 8 votes. Mayor Peterson feels there needs to be more oversight on that board. Mayor Peterson, Mayor Calderwood, a representative from the county council and the Mayor from North Logan will be attending the CVTD meeting tomorrow night.
- Hyrum/Nibley/Providence potential jointure for the waste water facility in Hyrum: Hyrum has become more congenial thanks to Stephanie Miller and Ron Salveson. Mayor Dustin from Nibley has contacted a commercial appraiser. He will do an appraisal of the plant in the coming week.
- Logan waste water: Preliminary work has been done to understand how Logan charges Providence for collection relative to our sewer bill. In 2009 Logan doubled the rate of what we were paying for collection and treatment. Presently, per 1,000 gallons, we pay \$.39 for collection and \$1.85 for treatment. That is double the rate since 2009. We are making sure they are justified in their charges if we end up staying with Logan.
- R Eck said we just got the statistics back yesterday for the month of July. We were just over 20 million gallons compared to last year in July where we were 23.5 million gallons.
- Mayor Calderwood said if they build a new plant and if we stay with them, we will be investing in a more sophisticated meter system.
- R Eck said we are metered just on the other side of the highway at the Maverick intersection and just below the IBS Building on Golf Course Road.
- Mayor said we are going to get a rate increase and we need to pursue this collection and understand it better. We are either going to stay with Logan or work something out with Hyrum and if we stay with Logan, we need to be prepared.
- Engineering estimates for street improvements: about \$800,000 was approved this fiscal year for three streets. No construction work will be done until next spring. There is not enough budget for all three blocks of 400 South and the other two roads. Mayor asked the Council if they wanted to do the other two streets and a portion of 400 South, or if they wanted to do all of 400 South.
- J Baldwin said he would like to see the contractors' bids versus the engineer's estimate.
- J Drew said he would like to review other options such as installing sidewalk, curb and gutter or not.
- Mayor said the park strip can vary, but 400 South is part of the downtown cross-section.
- J Drew asked if the Council can give a variance for this street.
- S Bankhead said it could be done, but the Council cannot just pick and choose which streets will be exempted and which ones won't. Whatever they choose, it will apply to developers too.
- J Drew asked if there was a way to mitigate storm water.
- R Eck said the biggest issue is the slope on that road, the velocity of water picks up and that is why curb and gutter is so important on that road. There is a limit on how much of that storm water can run into the canal and there will have to be some retention to take the rest of that water.
- Mayor Calderwood said at the west end of 400 South and on the west side of 200 West, there is an empty field. It is possible that we could put a park or something there with a pond.

- R Eck said the new attitude is to make these basins multi-use, such as a soccer field or park, etc.

Executive Session:

Item No. 1. The Providence City Council may enter into a closed session discuss pending litigation Utah Code 52-4-205(1) (c). (Amended 08/24/2015).

Motion to enter executive session: J Baldwin, second – J Drew

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

Motion to adjourn: R Call, second - J Baldwin

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None



Don W. Calderwood, Mayor




Skarlet Bankhead, City Recorder

